



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 5987

Anticipated Classification of this application:
Class 128 Subclass

Prior application: 08/048,149

Examiner: S. Harris

Art Unit: 3309

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

1. This is a request for filing a [X] continuation [] divisional application, under 37 CFR §1.60, of pending prior application Serial No. 08/048,149, filed on April 15, 1993.

CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this 37 CFR §1.60, request and the documents referred to as attached herein are being deposited with the United States Postal Service on August 14, 1995 in an envelope addressed as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, mailing label number TB702185000US, addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Gregory E. Upchurch
Registration No: 28,482

1. Copy of Prior Application as filed which is attached.

[X] I hereby certify that the attached papers are a true copy of prior application Serial No. 08/048,149, filed on April 15, 1993, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The copy of the papers of prior application Serial No. 08/048,149 as filed, which are attached are as follows:

- [12] page(s) of specifications
- [3] page(s) of claims
- [1] page(s) of abstract
- [2] sheet(s) of drawing

NOTE: Also complete below if drawings are to be transferred

- [2] pages of declaration and power of attorney

[X] In accordance with the indication required by 37 CFR §60(b) my records reflect that the original signed declaration showing applicant's signature was filed on April 15, 1993.

[☐] The amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR §1.60(b), that this amendment did not introduce new matter therein.

2. Amendments

[X] Cancel in this application original claims 4-6, 10-12 and 15-19 of the prior application before calculating the filing fee. *(At least one original independent claim must be retained for filing purposes).*

[] A preliminary amendment is enclosed. *(Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application).*

Claims as filed in the prior application, less any claims canceled by amendment above						Basic Fee \$730.00
Number Filed:			Number Extra	Rate		
Total Claims	8	Minus 20	=	0.00	x \$ 22 =	\$0.00
Indep. Claims	1	Minus 3	=	0.00	x \$ 76 =	\$0.00
Total Filing Fee:						\$730.00

[☐] Fee for extra claims is not being paid at this time.

4. Small Entity Status:

[X] A verified statement that this filing is by a small entity is ☐ attached [X] filed in the parent application Serial No: 08/048,149, and such status is still proper and desired (37 CFR §1.28(a)).

Filing Fee calculation (50% of above)

\$ 365.00

NOTE: Do not check the following box if prior case is not to be abandoned.

5. ☐ Transfer the drawings from the prior application to this application and, subject to item 13 below, abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. *(May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR §1.138 and before payment of issue fee.)*

☐ Transfer the following sheet(s) of drawing from the prior application to this application.

NOTE: Transferred sheets must be canceled in prior application. 37 CFR §1.88.

[X] New drawings are enclosed.

☒ Formal

☐ Informal

6. ☐ Priority of application Serial No. , filed on , is claimed under 35 USC 119.

☐ The certified copy has been filed in prior application Serial No.

7. [X] Amend the specification by inserting before the first line the sentence:

This is a [X] continuation ☐ divisional of copending application Serial No.

08/048,149, filed on April 15, 1993, now U.S. Patent No. 5,441,496.

8. [X] The prior application is assigned of record to Infinitect, Inc. The assignment was recorded in the Patent and Trademark Office on October 12, 1993, at Reel 6721, Frame 0120.

☐ An assignment of the invention to is attached.

9. Fee Payment Being Made at this Time:

☐ Not enclosed:

☐ No filing fee is submitted. This an the surcharge required by 37 CFR §1.16(e) can be paid subsequently.

☒ Enclosed:

☒ Basic Filing Fee \$ 365.00

☐ Recording Assignment \$

☐ Processing and retention fee \$
and 1.17(h)

Total Fees Enclosed: \$ 365.00

10. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 16-2201. Duplicate copies of this sheet are enclosed.

11. ☒ A check in the amount of \$365.00 is enclosed.

12. ☒ The Power of Attorney in the prior application is to Philip B. Polster, Reg. No. 16,554, Frederick M. Woodruff, Reg. No. 15,301, J. Philip Polster, Reg. No. 24,739, Lionel L. Lucchesi, Reg. No. 25,891, William G. Bruns, Reg. No. 19,541 and Edward A. Boeschstein, Reg. No. 22,986, William B. Cunningham, Jr., Reg. No. 26,155, Gregory E. Upchurch, Reg. No. 28,482, Ralph B. Brick, Reg. No. 17,444, Michael Kovac, Reg. No. 22,140, J. Joseph Mueller, Reg. No. 28,450, Richard J. Sher, Reg. No. 27,282, Jonathan P. Soifer, Reg. No. 34,932 and Ned W. Randle, Reg. No. 35,989.

(a) ☒ The power appears in the original papers in the prior application.

(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(c) ☐ A new power has been executed and is attached.

(d) ☒ Address all future communications to Gregory E. Upchurch, Polster, Lieder, Woodruff & Lucchesi, L.C., 763 South New Ballas Road, Suite 230, St. Louis, MO 63141.

13. Maintenance of Copendency of Prior Application

NOTE: THIS ITEM MUST BE COMPLETED AND THE PAPERS FILED IF THE PERIOD SET IN THE PRIOR APPLICATION HAS RUN.

☐ A petition, fee and response has been filed to extend the term in the pending prior application until .

NOTE: DO NOT COMPLETE THE NEXT ITEM IF THE APPLICATION BEING FILED IS A DIVISIONAL OF THE PRIOR APPLICATION WHICH IS NOT BEING ABANDONED.

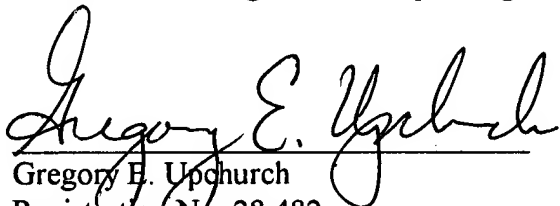
☐ Please abandon the prior application when the petition for extension of time in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

14. Conditional Petition for Extension of Time in Patent Application.

NOTE: COMPLETE THIS ITEM IF PREVIOUS ITEM IS NOT APPLICABLE.

☐ A conditional petition for extension of time is being filed in the pending parent application.

8/14/95
August 14, 1995

①

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- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under §1.34(a)